

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

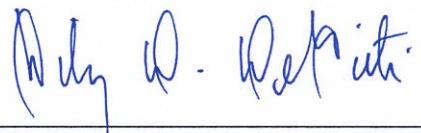
MARK A. PENDERGRAFT,)
)
)
Plaintiff,)
)
)
v.) **Case No. CIV-18-793-D**
)
)
(1) BOARD OF REGENTS OF)
OKLAHOMA COLLEGES,)
(2) DAVID MISAK,)
in his individual capacity; and,)
(3) TODD THURMAN,)
in his individual capacity,)
)
Defendants.)

ORDER

Defendants moved to dismiss Plaintiff's Complaint on September 18, 2018. [Doc. No. 10] and [Doc. No. 12]. During the pendency of the motions, Plaintiff timely filed an Amended Complaint [Doc. No. 17] as authorized by Fed. R. Civ. P. 15(a)(1)(B). This Amended Complaint supersedes Plaintiff's original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-1181 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendants' motions directed at the Complaint are moot.

IT IS THEREFORE ORDERED that Defendants David Misak and Todd Thurman's Motion to Dismiss [Doc. No. 10] and Defendant Board of Regents of Oklahoma Colleges' Motion to Dismiss [Doc. No. 12] are **DENIED** as moot.

IT IS SO ORDERED this 1st day of November 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE